



Entered on Docket
October 31, 2007

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**Hon. Linda B. Riegle
United States Bankruptcy Judge**

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC.

USA CAPITAL FIRST TRUST DEED
FUND, LLC.

USA SECURITIES, LLC,
Debtors

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

Date of Hearing: October 15, 2007
Time of Hearing: 9:30 a.m.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

1 **ORDER SUSTAINING THE USACM LIQUIDATING TRUST'S OBJECTION TO**
 2 **CLAIM NO(S). 10725-02210 FILED BY LARRY L. AND PATSY R. RIEGER**
 3 **REVOCABLE TRUST AS IMPROPERLY ASSERTING SECURED STATUS**

4 Larry L. and Patsy R. Rieger Revocable Trust filed Proof of Claim No(s). 10725-
 5 02210, which asserted a secured claim(s) against USA Commercial Mortgage Company
 6 ("USACM").

7 The USACM Liquidating Trust (the "USACM Trust") filed its Seventeenth
 8 Omnibus Objection [DE 3165] (the "Objection"), which challenged Larry L. and Patsy R.
 9 Rieger Revocable Trust's assertion of secured status and sought to have the Court
 10 reclassify Larry L. and Patsy R. Rieger Revocable Trust's claim(s) as a general unsecured
 11 claim(s). The Appropriate notice of the Objection was given.

12 Larry L. and Patsy R. Rieger Revocable Trust sent an informal response opposing
 13 the Objection directly to counsel for the USACM Trust. That informal response was not
 14 filed with the Court.

15 The USACM Trust filed its Motion for Summary Judgment Regarding (1)
 16 Responses to the USACM Trust's First Through Thirty-Third Omnibus Objections to
 17 Claims Asserting a Secured Status; (2) Responses to USACM Trust's First through Third
 18 Omnibus Objections to Claims Asserting a Priority Status; and (3) Newly Alleged Secured
 19 and Priority Claims (the "Motion") [DE 4291]. The Motion sought summary judgment on
 20 the Objection and asked that the Court sustain the Objection. Appropriate notice of the
 21 Motion was given to Larry L. and Patsy R. Rieger Revocable Trust.

22 Larry L. and Patsy R. Rieger Revocable Trust did not respond to the Motion as it
 23 relates to Proof of Claim No. 10725-02210.

24 The Court heard the Motion on October 15, 2007. Larry L. and Patsy R. Rieger
 25 Revocable Trust did not appear at the hearing to contest the Motion as it relates to Proof of
 26 Claim No. 10725-02210.

2 Based upon the foregoing and good cause appearing,

1 || **IT IS HEREBY ORDERED:**

2 1. Granting the Motion [DE 4291] as it relates to Proof of Claim No(s). 10725-
3 02210 filed by Larry L. and Patsy R. Rieger Revocable Trust;

4 2. Sustaining the Seventeenth Objection [DE 3165] as it relates to Proof of
5 Claim No(s). 10725-02210 filed by Larry L. and Patsy R. Rieger Revocable Trust; and

6 3. Reclassifying Proof of Claim No(s). 10725-02210 filed by Larry L. and
7 Patsy R. Rieger Revocable Trust as a general unsecured claim(s) subject to further
8 objection by the USACM Liquidating Trust.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman (pro hac vice)
Rob Charles
John Hinderaker (pro hac vice)
Attorneys for USACM Liquidating Trust

1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

3 The Court waived the requirements of LR 9021.

4 I have delivered a copy of this proposed order to all counsel who appeared at the
5 hearing, any unrepresented parties who appeared at the hearing, and any trustee
6 appointed in this case, and each has approved or disapproved the order, or failed
7 to respond, as indicated below:

8 approved the form of this order;

9 waived the right to review the order;

10 failed to file and serve papers in accordance with LR 9021(c); and/or

11 failed to sign and return this proposed order within five (5) business days
12 in accordance with LR 9021(b).

13 I have delivered a copy of this proposed order to all attorneys and unrepresented
14 parties who appeared at the hearing regarding this matter and/or who filed a
15 written objection and all have either approved the form of this order, waived the
16 right to review the order, failed to file and serve papers in accordance with LR
17 9021(c) and the following have disapproved the form of the order.

18 No opposition was filed and no other party or counsel appeared at the hearing.

19 **LEWIS AND ROCA LLP**

20 By: /s/ RC (#0006593)

21 Susan M. Freeman

22 Rob Charles

23 *Attorneys for USACM Liquidating Trust*

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